

## **Introduction**

On June 7, 2004 the Marion County City-County Council, by Proposal No. 292, empanelled the Election Investigative Committee (hereinafter the “Committee”). Its charge was to investigate certain policies, practices and procedures of the Marion County Election Board (hereinafter “MCEB”) pursuant to the authority vested to it by statute<sup>1</sup> and ordinance<sup>2</sup> to ensure that those policies and procedures carried out the mandate of the United States and Indiana Constitutions that elections be fair and free. These constitutional imperatives require that every qualified and registered voter who chooses to participate in the electoral process be allowed to freely vote and have their vote counted. On August 24, 2004, the Committee released its report containing 85 recommendations designed to reduce the number of voters who might otherwise suffer disenfranchisement. Those recommendations fell into several different categories, including ballot security, facilitating voting by the elderly and disabled, the timely opening of polling locations, the effective training of poll workers, voter registration, ballot allocation, certification of voting machines and ballots, canvassing the vote, and MCEB initiatives. In the ensuing three (3) years, a significant majority of those recommendations were implemented under the direction of the former Clerk, Doris Anne Sadler, whose term expired on

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<sup>1</sup> Indiana Code §36-3-4-24.

<sup>2</sup> Sec. 151-33, revised Code of the City and County.

December 31, 2006.<sup>3</sup>

Following the May 2007 primary election, Council President Monroe Gray authorized the re-constitution of the Committee. The reconstituted Committee was chaired by Councillor Jackie Nytes (D-9). Its bipartisan membership included Councillors Lonnell Conley (D-at large), Susie Day (R-20), Ron Gibson (D-at large), Robert Lutz (R-13), Cherrish Pryor (D-7) and Ryan Vaughn (R-3). The Committee held its first meeting on June 7, 2007 and met again on July 2, July 25 and August 1. It conducted four public forums, also called “listening sessions”, at which members of the public were invited to and many did appear before the Committee with suggestions for improving the way elections are administered and conducted in Marion County. Those public forums were conducted on June 26 at Broad Ripple High School, June 28 at Ben Davis High School, July 10 at Garfield Park, and July 11 at the Warren Township Governmental Center. Each of those public sessions lasted approximately two hours. Each was filmed by and later aired on Channel 16.

The Committee wishes to extend its gratitude to the many persons who attended those listening sessions, some as citizens and others representing public interest organizations and political parties. Those many persons interested enough in our electoral system to attend those forums offered many helpful and constructive suggestions about how to improve elections in Marion County.

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<sup>3</sup> Attached are the recommendations that have not been fully implemented.

## **I. Findings**

In November 2006 the voters of Marion County elected Elizabeth “Beth” L. White, the nominee of the Democratic Party, as Clerk. They also cast more votes for the Democratic Party candidate for Indiana Secretary of State than for the candidate of the Republican Party; thus, by virtue of I.C. §3-6-6-8, the power of appointment of all precinct election boards passed for the first time since 1978 from the county chair of the Republican Party to the county chair of the Democratic Party. The practical effect of this change was to shift literally overnight the responsibility for appointing 100% of the inspectors heading up Marion County’s approximately 914 precincts<sup>4</sup> from the Republican Party to the Democratic Party. The sudden shift of the power to appoint precinct election boards that occurred in November 2006 brought unprecedented challenges for the newly-elected Clerk and election officials in Marion County. The most daunting challenge involved the recruitment of approximately 900 persons to serve as precinct inspectors at the polls on primary election day, May 8, 2007.<sup>5</sup>

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<sup>4</sup> In 2002 efforts by Mayor Bart Peterson to reduce the excessive number of precincts from 915 down to approximately 650 ran aground as a result of a disagreement among the members of the Indiana Election Commission, who are required by I.C. §3-11-1.5-31(b) to approve any re-precincting plan.

<sup>5</sup> Pursuant to I.C. §3-6-6-10(a), a county chairperson may make nominations for precinct election offices by filing the nominations in writing with the circuit court clerk not later than noon twenty-one (21) days before the election. Indiana election law then requires the MCEB to appoint as inspectors the individuals who are nominated for those precinct election offices by the county chair so long as the individuals are otherwise eligible to serve in the precinct election offices for which they were nominated. I.C. §3-6-6-11(a). The Committee learned at its July 25, 2007 hearing that the Democratic Party chair delegated a substantial portion of this responsibility to the Clerk because of his view that the appointment of inspectors is more a “governmental than political exercise”. One employee of the Marion County Democratic Party

The challenges associated with recruiting hundreds of new inspectors and other precinct election workers became all the more daunting because of the context in which those changes occurred. Historically, municipal elections in Marion County, which are held in odd-numbered years, have generated less interest and voter turnout than what we will call even-numbered election years when federal as well as state and local candidates are on the ballot. Indeed, turnout in the May 2007 primary election proved to be extraordinarily low even by those historic standards, with only approximately 6.5% of all registered voters in Marion County participating in the primary. Part of this low turnout can be explained by the fact that there were no high-profile contests for Mayor in either political primary. This low voter interest, as reflected by this exceptionally low turnout, compounded the significant logistical difficulties of recruiting, nominating and appointing the number of qualified inspectors needed to open, supervise, and close Marion County's polling places. Although this recruitment process was initially believed to have been successful, many inspectors were appointed at a very late date and a number of persons who had committed to serve as inspectors did not follow through on that commitment at the last hour. This required last-minute re-deployment of human and other resources away from other election-related tasks they had been assigned to perform, producing a domino effect on Election Day and in its immediate aftermath.

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assisted in the recruitment process.

The result of this domino effect proved to be highly problematic and could have been even worse were it not for the fact that many persons from all political parties to assist. Dozens of precincts failed to open at 6:00 a.m., and a few failed to open at all before the polls closed at 6:00 p.m. These late polling place openings appear to have been largely the result of persons who had accepted appointments to work as inspectors failing to show up to pick up supplies the weekend before the election and/or failing to report in their assigned precinct prior to 6:00 a.m. on primary election day. In some cases, there was confusion as to who had been assigned to serve as inspector. All of this undoubtedly resulted in the inconvenience and possible disenfranchisement of an unknown number of voters. This Committee believes that what happened during the May 2007 primary election to have been unacceptable and contrary to constitutional imperatives that elections in Indiana be open to all registered and qualified voters. Fortunately, these problems did not result in the filing of any election contests, as might have also resulted in costly rerun elections in certain precincts that opened late or never opened.<sup>6</sup>

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<sup>6</sup> One of the grounds for an election contest is an allegation that a deliberate act or series of actions occurred making it impossible to determine the candidate who received the highest number of votes cast in the election. I.C. §3-12-8-2(5). The Indiana Supreme Court has interpreted the phrase “deliberate acts or series of actions” to require that the acts or series of actions be deliberate in the sense of being purposeful so as to “make it impossible” to determine the candidate receiving the most votes. *Pabey v. Pastrick*, 816 N.E.2d 1138, 1149 (Ind. 2004). However, it is conceivable that a court might have concluded that the failure to open a precinct or its late opening constituted a “malfunction” of a voting system or “mistake in the...distribution of ballots” which, in a close election, made it impossible to determine which candidate received the highest number of votes. I.C. §3-12-8-2(2), (4). Under such circumstances, the remedy of a

The Committee has found no evidence that the failings that occurred during the May 8, 2007 primary election and its immediate aftermath were intentional, or in any way deliberately designed to suppress voter turnout for the purpose of affecting the result of any election. Rather, they appear to have been attributable entirely to human failings resulting in considerable part from the “perfect storm” created by the overnight change in the partisan control of precinct election boards, and the failure of persons recruited to work as first-time inspectors to follow through on those commitments. Much as it might be tempting to assign blame for these difficulties to specific election officials or persons, the problems experienced in connection with the May 2007 primary election were the fault of no single person. Many were the result of systemic problems, not the least of which is the existence of far too many and malapportioned precincts. Other factors may also have come into play. One is the low (in relative terms) number of MCEB employees tasked with conducting elections in Marion County.<sup>7</sup> Moreover, all of the members of this relatively small staff were new and inexperienced, some having been in their positions for only a few months prior to the primary.

Election administration in Marion County and elsewhere is as much in need of pragmatism, non-partisanship, and diligence today as it ever has been. The

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special election could have been imposed by judicial decree in those precincts that either never opened or opened late. I.C. §3-12-8-17.

<sup>7</sup> In contrast to other communities of similar size, where as many as 30 to 40 or more employees are assigned principally to the conduct of elections, in Marion County there are only

2000 presidential election, in which control of the executive branch turned on hotly contested election disputes in Florida, should remind us of the shaken public confidence election administration failures can provoke. It was the goal of this Committee to identify and examine the causes of the human and system failings that occurred during the May 8, 2007 primary election, and to recommend cost-effective changes that will minimize any possibility of similar problems in the either the November 2007 general municipal election or the elections to be held in 2008 and thereafter. We use the term “minimize” rather than “prevent” only because perfection in election administration, while a worthy goal, has proven to be elusive over the history of political elections.

The Committee’s new findings and recommendations are intended to supplement our August 2004 recommendations, many of which have by now been fully implemented, and are more narrowly focused on the May 2007 primary and on what can be done to avoid a repeat of the problems which occurred in that election, and what can be done to improve election administration for the November 2007 municipal election and beyond. Our recommendations will focus on the following three general topics:

- (1) the timely appointment and confirmation of inspectors and precinct board workers, and the training of such persons;
- (2) the urgent need for re-precincting in Marion County; and
- (3) recommendations to the Indiana General Assembly to improve the electoral process in Marion County and elsewhere.

II. The appointment and training of inspectors and precinct election board workers.

A. Inspector and precinct board member appointment.

Several persons who offered constructive suggestions at the four “listening sessions” held throughout the county advocated the establishment of a non-partisan system of administering elections. Whatever the merits of such a suggestion, and it may indeed have considerable merit, in Indiana we have both a history of and laws requiring the partisan appointment of precinct boards and election administrators. This is the reality within which our recommendations must be made.

As noted above, following the November 7, 2006 general election the ultimate responsibility for appointing inspectors was transferred literally overnight from the chair of the Marion County Republican Party to the chair of the Marion County Democratic Party. This meant that the team of some 900 inspectors that had been assembled over 28 years of Republican leadership was to be replaced by May with a new team. It now appears that plans have been made to ensure that this challenge will be met this November. In this regard, the Committee was informed at its July 25, 2007 meeting by Marion County Democratic Party Chair Mike O'Connor that he has instructed all Marion County Democratic Party committeepersons to turn in their precinct boards not later than August 31, 2007,



or they may forfeit their opportunity to participate in the selection process. Marion County Republican Party Chair Tom John announced at that same meeting that he had that day submitted to the MCEB precinct board appointments for several hundred precincts. He also stated that he has a list of the names of approximately 200 experienced Republican election workers who would be willing to serve as inspectors in the November 2007 general election.

The Committee urges the Marion County Democratic Party chair to take full advantage of the offer of his Republican counterpart's offer to assist in the inspector recruitment process. We urge the Democratic Party chair to appoint as many of those Republican inspectors as possible to serve as inspectors, preferably in their home precincts.

The Committee also urges that those involved in the inspector recruitment process actively involve the ward chairs, as they provide an important link to precinct leadership and neighborhoods, and that they continue to work with schools, service clubs, public interest organizations and elected party officials who employ public sector employees to expand the cadre of inspectors and other precinct election officials who would be available for service on election day.

To the extent the inspector and precinct election board staffing process can be aided by the purchase of software used by other organizations, such as the 500 Festival Committee, to manage the process of recruiting and assigning volunteers, the Committee commends the MCEB for issuing an rfp for such

software and encourages the MCEB staff to fully utilize this tool for the November election.

The Committee also recommends that wherever possible, precinct election officials, particularly inspectors, be recruited from and assigned to work in their home precincts, or at least in nearby precincts in their home townships. We discourage the placement of election workers in precincts which are remote from their home precincts or in townships in which they do not reside. Precinct boards can, with the proper planning and effort, be filled with local people. For example, the Committee was informed that in Decatur Township, 19 out of the 20 inspectors in the May 2007 primary were residents of that township, that all inspectors took the appropriate training provided by the Clerk, and that there was full staffing of all election boards. There is no reason that committeepersons and ward chairs in other townships could not also staff precincts with qualified, local citizens who are committed to participating in our electoral process and thus strengthening and improving our democracy but the local leaders must step up.

The Committee recommends that MCEB staff employed at the election warehouse and elsewhere in the election process generate written procedures dealing with such matters as vote canvassing, security, recounts, and recruitment so that institutional knowledge is not lost when, as recently occurred, experienced staff leaves.

The Committee further recommends that the Clerk instruct and require all

inspectors to schedule meetings in their respective precincts with the judges and clerks from both political parties not later than the evening before the election, to inspect and/or test voting equipment and to discuss election day logistics such as meals for election day workers, the need for extension cords, chairs, tables, etc., and any other election day needs or contingencies.

The Committee also urges the Clerk to stress quality control in the preparation of inspector kits for election day, as the Committee heard reports of critical items missing, such as detailed up to date maps of the precincts in which they are working to assist voters who are uncertain of the precinct in which they reside and to enable precinct election officials to direct such voters to their correct precinct if they arrive at the wrong precinct on election day. Those kits should also contain the addresses and telephone numbers of precinct board members, information that should also be made available to precinct committee persons from both parties. Each inspector kit should also include both keys to the voting machine, the name and contact information for the person with custody of the polling place, and a list of all other polling places in that particular ward. Instruction manuals must be written in layman's language, not technical election speak or computerese. Lastly, inspectors' duties which are set forth in writing, particularly duties in connection with the closing of polls and turning in of election results for each precinct should be given more prominence.

#### B. Training, Support and Pay of Precinct Officials

Training of Election Day precinct workers has been much improved over the past several years. It has been appreciably benefited by the implementation of nearly all of the Committee's 2004 recommendations. The Committee commends both former Clerk Sadler and Clerk White for their efforts in this regard, and particularly the production of inspector training DVDs that can be viewed on Channel 16.

The Committee heard considerable testimony from Clerk White about training. Based on its investigation, it is of the opinion that the Clerk has in place adequate training programs, and that she is diligently making plans to implement a sound training program for the November 6, 2007 election. There does appear to be a "game plan" in place for making sure election workers receive adequate training in connection with the next election. The Clerk's staff charged with administering elections meets weekly to plan and to discuss matters pertinent to the upcoming election. Her website,

[http://www.indygov.org/eGov/County/Clerk/Election/Workers\\_Info/poll-workers.htm](http://www.indygov.org/eGov/County/Clerk/Election/Workers_Info/poll-workers.htm), contains links allowing inspectors to access inspector training

courses (the Poll Inspector Academy), including a power point training presentation and streaming video. In short, the Committee has seen nothing to indicate any lack of effort or motivation on the part of the Clerk, her staff, or the MCEB and its staff, to prepare for the upcoming election. The only question will

be whether existing plans can and will be executed in a way so as to avoid the problems experienced during the most recent election.

The Committee urges Clerk White to continue to augment and improve the available training materials for all election-day officials, including those for judges and clerks. It also suggests that training materials for judges and clerks be placed on a short and inexpensively duplicated DVD covering main training topics which could be made available for poll workers to take home when they pick up their election-day materials, for a quick refresher prior to election morning. We also urge the clerk to continue to use Channel 16 to telecast those training materials periodically. The Committee also recommends reference to and use of the 2007 Election Administrator's Manual for training purposes, which can be accessed at the Indiana Secretary of State's website at [www.in.gov/sos/election/pdfs/2007ElectionAdminManual.pdf](http://www.in.gov/sos/election/pdfs/2007ElectionAdminManual.pdf). Recognizing, however, that not all citizens have easy access to the internet, it is also important that more traditional modes of communications, such as letters and phone calls, continue to be used to get the word out to election volunteers that training is available.

The Committee also recommends the recruitment wherever possible of inspectors who have, or can access, cell phones, and the creation of a master list of those inspectors with contact information that can be accessed by election administrators and precinct election officials to facilitate communications with inspectors in the run-up to election day and throughout the day.

In Marion County, inspectors receive \$110, and clerks and judges \$70 each. This is considerably less than what other large but less-populated counties pay their precinct officials for election-related services. For example, in Allen County inspectors are paid \$135, judges \$115 and clerks \$95. In Lake County inspectors receive \$150, and judges and clerks are paid \$120. In Laporte County inspectors receive \$200, and judges and clerks are paid \$150. In Tippecanoe County inspectors are paid \$160, and judges and clerks receive \$130. Though we recognize that personal relationships and appeals to civic responsibility and community service are the most effective way of recruiting election day workers, and that many such workers put in long hours on election day without claiming any pay simply because they want to make a contribution to keeping our democracy strong and vibrant, not all citizens who work on election day are in the position to simply volunteer their time without pay. During this time of budgetary constraints, it does not appear that the pay for election workers can or should be increased for the November 2007 general municipal election. However, assuming re-precincting significantly reduces the number of precincts and election day workers in Marion County for the 2008 elections, and thus results in cost-savings, the Committee urges the MCEB to consider modestly increasing election day precinct official pay for the 2008 elections, particularly for inspectors, both as a recruitment tool and because better pay can attract stronger individuals.

The Committee recommends that department heads, township trustees, and any other persons employing government workers whose employees receive election day as a paid holiday strongly encourage those government workers to spend their day off participating as election workers.

The Committee noted that the MCEB spent \$20,180.00 for taxi services in the May 2007 primary. The Committee feels this expenditure is excessive, and it urges the use, wherever possible, of City personnel and cars owned by the City or County to make election-day deliveries of absentee ballots to the precincts.

It is currently the practice to pay inspectors who are responsible for supervising more than a single precinct (also known as “super-inspectors”) premium pay for the additional duties they must perform. The Committee believes this to be a sound practice and urges its continuation.

As a possible short-term measure pending the re-precincting prior to the 2008 elections, the Committee looked into recommending the temporary co-location of additional precincts<sup>8</sup>, so as to reduce the number of inspectors who would need to be recruited, trained and paid to work on election day. It determined, however, that changes in precinct locations this soon before the November 6, 2007 election would likely cause too much confusion among voters whose voting site might be re-located, and that the benefit of any cost-savings from the co-locating of precincts would be more than offset by the voter confusion

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8 The Committee recalls hearing testimony that there are presently 522 locations used for Marion County's 914 precincts

which would likely result. Hence, the Committee recommends that no further changes in voting sites be made between now and the November 2007 election, absent presently unforeseen contingencies. Any changes in precinct locations necessitated by circumstances beyond anyone's control must be aggressively publicized.

### III. Reprecincting

Few other issues were mentioned as frequently during the four (4) public forums as the need to redraw, and reduce, Marion County's over 900 precincts. As the population in Marion County has grown and shifted, population disparities among precincts have arisen and increased over the past few years. I.C. §3-11-1.5-3 prohibits precincts from having more than 1,200 active voters. However, many precincts now have more than that number of active voters. These precincts have not been redrawn for many years and the last attempt in 2002 was unsuccessful. There are at least four (4) distinct benefits of reducing the number of precincts in Marion County. Those benefits are: (1) the fewer number of volunteers needed to administer elections, (2) the reduction in the cost of administering elections, (3) the lessening of logistical burdens of setting up polling locations and counting votes, and (4) less voter confusion over polling locations.

The authority to establish precincts is vested exclusively in the county executive, which means that the Mayor must initiate the re-precincting process, I.C. §3-11-1.5-2, though the county executive may adopt an order to delegate



some or all of his responsibilities with respect to re-precincting to the MCEB. I.C. §3-11-1.5-36. The redrawing of precincts is a complex process in that no precinct boundary may intersect with the boundary of a township, a congressional boundary, a state legislative district boundary, the boundary of a city or town, a boundary of a town legislative district, a census block boundary established by the Bureau of the Census, or the boundary of a school corporation that does not follow a census block line. I.C. §§3-11-1.5-4 and -5.

Although the statutory scheme will not permit re-precincting to be carried out prior to the 2007 general election, it is imperative that this task be completed in time for the 2008 elections. Time is running short, however, as the re-precincting statute requires that the process be completed by the first day that a declaration of candidacy may be filed under I.C. 3-8-2-4, which is 104 days before the primary election. I.C. §3-11-1.5-25. The political party chairs who appeared at the Committee's July 25, 2007 meeting also stated that August 31, 2007 is the deadline for submitting a re-precincting proposal to the State election officials. If that or other deadlines are missed, re-precincting would be dead for the November 2008 general election, since Indiana law states that the precincts established for a general election must be the same as the precincts established for the preceding primary election. I.C. §3-11-1.5-11.

The political party chairs agreed that re-precincting in time for the 2008 elections is imperative and each expressed optimism that the process can be

accomplished. In that respect, the Committee asks that both the Democratic and Republican parties continue to cooperate with the Mayor to complete re-precincting.

The Committee urgently recommends that the Mayor and the political party chairs agree to a re-precincting plan that will reduce the number of Marion County precincts to no more than 600. There are no valid excuses for failing to accomplish this essential task, which will, without sacrificing voter convenience, significantly decrease the costs to Marion County taxpayers of conducting constitutionally required political elections.

#### IV. Recommendations to the MCEB and/or General Assembly.

##### A. Implementation of no-fault and/or early absentee satellite voting.

Under current Indiana law as amended in 2005, most voters who are not disabled or over 65 must first, in order to cast an absentee vote by mail, declare under the penalties for perjury that they have a “specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open”. I.C. §3-11-10-24(a)(1). At least 25 states, including most recently our neighboring state of Ohio in 2005, have enacted no-fault absentee voting. In today’s society, poor weather, long lines, work demands and strict voter identification laws for in-person voting have all contributed to declines in voter turnout. Voting by mail has proved to be extremely popular in Oregon, where voting is entirely done by mail. In fact, Oregon experienced the

third-highest voter turnout in the 2004 presidential election. The Committee urges the General Assembly to consider amending State law to allow for no-fault absentee voting.

As an alternative or supplement to no-fault absentee voting, and if financial resources are available, the MCEB should consider approving a pilot program permitting in-person early (absentee) voting at two or more satellite locations in Marion County in time for the 2008 elections. Indiana law permits the establishment of satellite locations for early voting, but only if approved by unanimous vote of the county election board. I.C. §3-11-10-26.3. Marion County experimented with this in the past. In-person early absentee voting has been used in several states, such as in Texas, where early voting begins 17 days before and ends on the 4<sup>th</sup> day before each election. Early voting avoids standing in long lines on Election Day. Indiana presently allows a limited form of early voting in the office of the Circuit Court Clerk, beginning 29 days before and continuing until noon on the day before Election Day. I.C. §3-11-10-26(a). The Committee recommends that if sufficient funds can be found and then budgeted by the City County Council to pay the additional costs associated with it, the MCEB consider expanding early voting to at least two satellite locations outside the City-County Building which have available and easily-accessible free parking, and which are on bus routes, for the 2008 primary and general elections.

A fundamental element of any such satellite office absentee voting center

would be providing ballots to voters at each site, either by pre-printing ballots for each site, or providing a ballot-on-demand printer for each site to print ballots on an as-needed basis. The Committee recognizes there are additional costs-- costs that are not fully identified or currently budgeted--associated with instituting a satellite office absentee voting program. The Clerk's office estimates that each satellite voting site would require at least one staff member for each date of operation, time that would be diverted from efforts to prepare for the upcoming election. At this time, with the 2007 general election only about three months away, the Committee is of the opinion that there is simply not enough time, or budgeted resources, to stage a satellite voting program this year. However, there should be adequate time to plan and budget for an experimental satellite voting program by the May 2008 primary.

The Committee also recommends that special short-term, free parking spaces near or adjacent to the City-County Building be reserved for persons who desire to vote early at that location in the November 2007 general election.

B. Changing voting hours.

The Committee urges the General Assembly for the convenience of voters whose work makes it difficult if not sometimes impossible to vote before the polls close at 6:00 p.m., to keep polls open later, until at least 7:00 p.m. Under current Indiana law, polls are required to open at 6:00 a.m. and close at 6:00 p.m. I.C. §3-11-8-8. Of the 48 contiguous states, only Kentucky closes its polls as early as

6:00 p.m. Every other state leaves polls open until 7:00p.m. and some keep polls open as late as 9:00 p.m. Indiana should extend voting time on Election Day for the convenience of working Hoosiers and as another way to increase Indiana's very low level of participation in our electoral process.

### C. Vote centers

The Committee heard presentations from the Clerk of Tippecanoe County and from a representative of the Wayne County Clerk's office at its July 25, 2007 meeting concerning the experiences in those counties with "vote centers". In 2006 the General Assembly enacted legislation, I.C. §3-11-18, permitting the Indiana Secretary of State to designate a county as a "vote center pilot county". Wayne and Tippecanoe Counties subsequently applied for and received such a designation. A "vote center" is a polling place where any registered voter may vote as the long as the voter lives in the district holding the election. Instead of having a polling place in each precinct, fewer and larger polling places are established in central locations on bus lines and in buildings with easily accessible parking. Current Indiana law would require Marion County to have 50 such vote centers. I.C. §3-11-18-6.

There are both advantages and disadvantages to such vote centers. Among the advantages are the fewer number of poll workers needed, voter convenience, and (if preceded by an effective public information campaign) less voter confusion about where to vote. The communities which have experimented

with vote centers report increased voter convenience. The disadvantages include the significant investment in technology, the voter education challenge, finding poll workers with the necessary computer skills, and the additional training required.

It is unrealistic to expect that the vote center approach could be implemented throughout Marion County in less than 2 years. The Clerk stated that the 2010 elections would be the very earliest Marion County might be positioned to experiment with vote centers, assuming the necessary approvals could be obtained and that the General Assembly chooses between now and then to renew this program, which by its terms expires on at the end of 2009. I.C. §3-11-18-20. The Committee thus believes that in the short term, election officials in Marion County should look to other voting reforms and changes, and reserve any further consideration of vote centers until after the 2008 elections. In the meantime, the Committee recommends that the MCEB continue to analyze and consider the future use of vote centers, and it recommends to the General Assembly that it extend the legislation authorizing local experimentation with vote centers beyond its current December 31, 2009 sunset date.

## **SUMMARY OF COMMITTEE'S RECOMMENDATIONS**

### **A. Appointment and Training of Inspectors and Precinct Board Workers**

1. The Marion County Democratic chair should take full advantage of the July 25, 2007 offer of the Republican Party chair to assist in the inspector recruitment process, and nominate as many as possible of the approximately 195 Republican inspectors who indicated a willingness to work in the 2007 general election, preferably in their home precincts, if by September 1, 2007 inspector nominations have not been made by Democratic Party precinct committee persons.
2. Those persons involved in inspector recruitment should actively involve ward chairs in that process, and continue to work with schools, service clubs, public interest organizations and elected public officials who employ public sector employees to expand the cadre of inspectors and other precinct election officials who would be available for service on election day.
3. To the extent the inspector and precinct election board staffing process can be aided by the purchase of software used by other organizations to manage the process of recruiting and assigning volunteers, this software should be used for the November general election.
4. Wherever possible, precinct election officials, particularly inspectors, should be recruited from and assigned to work in their home precincts.
5. MCEB staff should generate written procedures dealing with such matters as vote canvassing, absentee ballot processing and counting, security, and recounts so that institutional knowledge is not lost when experienced staff leaves.
6. Inspectors should be instructed to schedule meetings in their respective precincts with the judges and clerks from both political parties not later than the evening before the election to inspect voting equipment and to discuss election day logistics.
7. The Clerk should stress quality control in the preparation of inspector kits

for election day, which should contain the addresses and telephone numbers of precinct board members, both keys to the voting machine, the name and contact information of the person with custody of the polling place, and a list of other polling places in that particular ward.

8. Inspectors' and judges' duties with respect to the closing of polls and turning in of election results for each precinct should be set forth in writing and given more prominence.

B. Training, Support and Pay of Election Officials

1. The Clerk should continue to augment and improve available training materials for all election-day officials. Training materials for precinct board workers should be placed on a DVD which poll workers could take home with them for a quick refresher prior to election day.
2. A master list of inspectors, with contact information, should be created so as to facilitate communications with inspectors in the run-up-to election day and throughout the day. Election-day inspector hotlines should be enhanced.
3. Pay for election day precinct officials, particularly inspectors, should be increased for the 2008 elections if re-precincting is successful in reducing the number of precincts, and thus the number of election officials who will be needed for future elections.
4. Department heads, township trustees and other persons employing government workers whose employees receive election day as a paid holiday should strongly encourage those workers to spend their day off participating as election workers.
5. Wherever possible the MCEB should use government-paid personnel, and vehicles owned by the City or County, rather than private taxi cabs to make election-day deliveries of absentee ballots to the precincts.

C. Re-precincting

It is imperative that a re-precincting plan be in place prior to the 2008 primary election, which reduces the number of Marion County precincts to no more than 600.

D. Recommendations to the MCEB and/or the General Assembly



1. The General Assembly should amend Indiana law to allow for no-fault absentee voting.
2. Prior to the 2008 primary and general elections, the Council should budget sufficient funds to pay the additional costs associated with expanding early absentee voting to at least two satellite locations, in addition to the City-County building, which have free parking available and which are on bus routes.
3. Short-term, free parking spaces should be made available near or adjacent to the City-County building for persons who desire to vote by absentee ballot at that location in the November 2007 general election, and beyond.
4. For the convenience of voters, many of whom have to work long hours, the General Assembly should amend Indiana law to require that polls be kept open until at least 7:00 p.m., as does virtually every other state in the union.
5. The MCEB should continue to analyze and consider the future use of vote centers in Marion County, and the General Assembly should consider extending the legislation authorizing localized experimentation with vote centers beyond its current sunset date of December 31, 2009.

## **2004 RECOMMENDATIONS NOT ACTED UPON**

Based on the best information obtained by Election Board staff, the following is a separate listing of those recommendations that have yet to receive Election Board action.

- Each inspector should be provided a means of communicating with election central / hotline centers. The Election Board should assure that each inspector has either a cell phone, pager, two-way radio or a land phone at the polling site available for use throughout the day;  
**2007 Note: Not Done. County purchase/rent of phones, pagers, or radios is cost prohibitive. MCEB borrows a limited number of two-way radios from MECA to dispatch ES&S field mechanics. Inspectors are trained and encouraged to obtain own cell phone for use on Election Day, but it is not required. MCEB records inspectors' cell phone numbers as a matter of course.**
- Record calls for quality assurance purposes;  
**2007 Note: Not done. Additional research regarding costs and funding is necessary. Under consideration as part of Nov. 2007 hotline program.**
- Develop training materials for voter registration teams operated by the parties to assure that the correct information is given to the potential voter;  
**2007 Note: Unclear. Voter registration teams are coordinated and trained by Marion County Board of Voter Registration.**
- Develop an informational video program for local television outlets and Channel 16 to air. The informational video should be available at libraries as well as to community groups helping Marion County residents to vote;  
**2007 Note: Not done. Under consideration in preparation for Nov. 2007 and 2008 elections.**
- Except as required by law, limit all purges to off election years;  
**2007 Note: Controlled by state law and Marion County Board of Voter Registration.**
- Develop and publish a schedule of purges to be made to voter registration files;

**2007 Note: Controlled by state law and Marion County Board of Voter Registration.**

- Make no purges within sixty (60) days of the close of registration in any given election;

**2007 Note: Controlled by state law and Marion County Board of Voter Registration.**

- Voter Registration should resolve the question of disenfranchisement under federal law with any conflict under Indiana voting rights statutes and publish clear guidelines for the voter's benefit, and;

**2007 Note: Controlled by state law and Marion County Board of Voter Registration.**

- Request that school board district boundaries be re-drawn so there are no split precincts;

**2007 Note: Controlled by state law.**

- Assure that the Direct Recording Equipment or the iVotronic provides an adequate paper trail for recount purposes;

**2007 Note: The iVotronic allows access to paper reproduction of every vote cast in the event of a recount or contest. Marion County's iVotronic machines do not currently automatically provide paper reproduction of votes immediately after the vote is cast.**

- ES&S should be directed to have a staff attorney provide the Election Board notice of all amendments to the Indiana Election Code as the same relates to the printing of ballots and the approved use of any voting system; and,

**2007 Note: ES&S regularly updates Election Board staff as to certification status of anticipated upgrades and understands that the MCEB will not use machines or software that have not been certified by the State of Indiana.**

- Obtain a security audit of the election process;

**2007 Note: Unknown. Not done in 2007.**

- Obtain a process and procedures audit that allows for the development of an Election Day procedures manual to be followed throughout Marion County;

**2007 Note: Unknown. Not done in 2007.**

- Obtain a financial / budget audit;  
**2007 Note: Unknown. Not done in 2007.**
- Obtain a systems audit by the Information Services Agency to assure machine and software security;  
**2007 Note: Not done. Separate ES&S contract is not part of ISA enterprise.**